



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

DEC 24 2014

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Jim Stice  
EHS Coordinator  
DP&L Killen Generating Station  
14869 U.S. Hwy 52  
Manchester, Ohio 45144

Re: Notice and Finding of Violation  
Dayton Power & Light Company- Killen Generating Station  
Manchester, Ohio

Dear Mr. Stice:

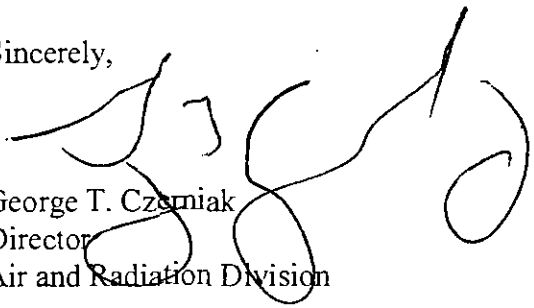
The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Dayton Power & Light Company Killen Generating Station (you) under Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1). We find that you have violated the CAA, its implementing regulations, the Ohio State Implementation Plan, New Source Performance Standards, your Prevention of Significant Deterioration Operating Permit and your Title V Operating Permit at your Manchester, Ohio facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date. Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Patrick Miller. You may call him at (312) 886-4044 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

Enclosure

cc: JoAnne C. Rau  
Director, Environment and Safety Management  
The Dayton Power and Light Company

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency

Cindy Charles, Director  
Air Pollution Unit  
Portsmouth City Health Department

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**DP&L Killen Generating Station  
Manchester, Ohio**

Proceedings Pursuant to  
the Clean Air Act  
42 U.S.C. § 7401 *et seq.*

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)  
) **NOTICE OF VIOLATION and  
FINDING OF VIOLATION**  
)  
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) **EPA-5-15-OH-08**  
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**NOTICE AND FINDING OF VIOLATION**

Dayton Power & Light Company (you or DP&L) owns and operates an electric generating facility, Killen Generating Station, located at 14869 U.S. Highway 52 in Manchester, Ohio (facility or "Killen Station"). According to DP&L Killen Station's Title V operating permit, it operates, among other things, a coal-fired boiler identified as emission unit B001, Boiler No. 2.

The U.S. Environmental Protection Agency is sending this Notice and Finding of Violation (NOV/FOV or Notice) to notify DP&L that you have violated the visible emission limits at your facility as specified in your Prevention of Significant Deterioration (PSD) Permit, Title V Operating Permit, the Ohio State Implementation Plan (SIP), and the New Source Performance Standards (NSPS), Subpart D. Violations of the visible emission limits constitute violations of the Clean Air Act (CAA), 42 U.S.C. §§ 7401 *et seq.*

**STATUTORY AND REGULATORY BACKGROUND**

1. The CAA is designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population. Section 101(b)(1) of the CAA, 42 U.S.C. § 7401(b)(1).
2. Section 108(a) of the CAA, 42 U.S.C. § 7408(a), requires the Administrator of EPA to identify and prepare air quality criteria for each air pollutant, emissions of which may endanger public health or welfare, and the presence of which results from numerous or diverse mobile or stationary sources. For each such "criteria" pollutant, Section 109 of the CAA, 42 U.S.C. § 7409, requires EPA to promulgate national ambient air quality standards (NAAQS) to protect the public health and welfare.
3. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA for approval a State Implementation Plan (SIP) that provides for the implementation, maintenance, and enforcement of the NAAQS. Section 110 also requires that each SIP contain adequate provisions prohibiting any source within the state

from emitting any air pollutants in amounts which will interfere with attainment or maintenance of the NAAQS or cause significant deterioration of air quality in any other state. *See* 40 C.F.R. Part 52.

4. Section 111 of the CAA, 42 U.S.C. § 7411, requires the Administrator of the EPA to establish federal standards of performance for new sources within the list of categories of stationary sources. *See* 40 C.F.R. Part 60.
5. Section 502(b) of the CAA, 42 U.S.C. § 7661, requires the Administrator of the EPA to promulgate regulations which establish the minimum elements of a permit program to be administered by any air pollution control agency. *See* 40 C.F.R. Part 70.

#### Prevention of Significant Deterioration Requirements

6. Under OAC Rule 3745-31 of the Ohio SIP, on December 29, 2010, the Ohio Environmental Protection Agency (OEPA) issued Permit to Install (PTI) P0106805 for the DP&L Killen Station. The PTI contained that following provision:
  - a. Emission Unit B001 (Boiler No. 2) Term and Condition C.2.b.1(a) specifies that any gases discharged into the atmosphere from this emission unit shall not exceed 20% opacity, as a 6-minute average, except for one 6-minute period per hour of not more than 27% opacity as required by 40 CFR 60.42(a)(2).
  - b. Emission Unit B001 (Boiler No. 2) Term and Condition C.2.b.1(b) specifies that the emission limitation as required by this applicable rule, OAC rule 3745-17-07(A), is less stringent than the emission limitation established pursuant to 40 CFR 60.42(a)(2).

#### Ohio State Implementation Plan – Opacity Regulations

7. EPA approved OAC Chapter 3745-17-07(A)(1) as part of the federally enforceable Ohio SIP on June 27, 1994. 59 Fed. Reg. 27464.
8. OAC 3745-17-07(A)(1) of the Ohio SIP requires that “visible particulate emissions from any stack shall not exceed twenty percent opacity, as a six-minute average. [The]... visible particulate emissions from any stack may exceed twenty percent opacity, as a six-minute average, for not more than six consecutive minutes in any sixty minutes, but shall not exceed 60% opacity, as a six-minute average, at any time. June 27, 1994 (*See* 59 Fed. Reg. 27464).

#### New Source Performance Standards: Subpart D

9. 40 C.F.R. § 60.11(d) provides that, “[a]t all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.”

10. 40 C.F.R. § 60.42(a)(2) provides that “no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases that exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity.”

#### Title V Requirements

11. EPA promulgated full approval of the Ohio’s Title V program on August 15, 1995. *See* 40 C.F.R. Part 70, Appendix A; 60 *Fed. Reg.* 42045. Ohio’s Title V program became effective on October 1, 1995. *See* 60 *Fed. Reg.* 42045.
12. The Ohio regulations governing the Title V permitting program are codified at OAC 3745-77, and are federally enforceable pursuant to Section 113(a)(3).
13. On June 20, 2013, OEPA issued a Final Title V Permit No. P0091217 (effective July 11, 2013) to DP&L Killen Station in accordance with OAC 3745-77 of the Ohio SIP. The Title V permit contained the following provisions:
  - a. Emission Unit B001 (Boiler No. 2) Term and Condition C.1.b.1(a) specifies that any gases discharged into the atmosphere from this emission unit shall not exceed 20% opacity, as a 6-minute average, except for one 6-minute period per hour of not more than 27% opacity as required by 40 CFR 60.42(a)(2).
  - b. Emission Unit B001 (Boiler No. 2) Term and Condition C.1.b.1(b) specifies that the emission limitation as required by this applicable rule, OAC rule 3745-17-07(A), is less stringent than the emission limitation established pursuant to 40 CFR 60.42(a)(2).

#### **EXPLANATION OF VIOLATIONS**

14. On September 30, 2014, from 4:15 PM to 4:51 PM, EPA took visible emission readings in accordance with EPA Method 9 of the stack for emissions unit B001 Boiler No. 2 at DP&L Killen Station and observed excess opacity above 35% as a 6-minute average. This excess emissions period appeared to continue beyond EPA’s observation period above, and was noted while EPA was leaving the observation area.
15. On October 29, 2014, from 4:26 PM to 5:05 PM, EPA took visible emission readings of the stack for emissions unit B001 at DP&L Killen Station and observed excess opacity above 30% as a 6-minute average. This excess emissions period appeared to continue beyond EPA’s observation period above, and was noted while EPA was leaving the observation area.

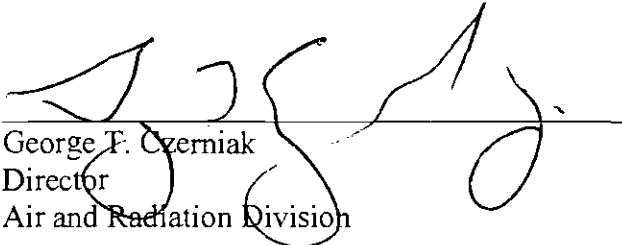
16. DP&L violated and continues to violate Killen Station's opacity limitations contained in OAC 3745-17-07(A) of the Ohio SIP, its PSD Permit PTI P0106805, Title V Permit No. P0091217 and 40 C.F.R. § 60.42(a)(2).

#### ENVIRONMENTAL IMPACT OF VIOLATIONS

17. Violation of the opacity standards increases public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.

Date

12/24/14

  
George T. Czerniak  
Director  
Air and Radiation Division

### CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-15-OH-08, by Certified Mail, Return Receipt Requested, to:

Jim Stice  
EHS Coordinator  
DP&L Killen Electric Generating Station  
14869 U.S. Hwy 52  
Manchester, Ohio 45144

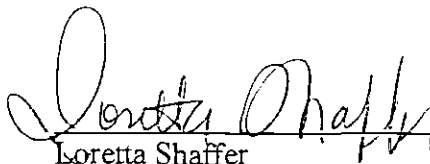
I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

JoAnne C. Rau  
Director, Environment and Safety Management  
The Dayton Power and Light Company  
1065 Woodman Drive  
Dayton, Ohio 45432

Robert Hodanbosi  
Chief, Division of Air Pollution Control  
Ohio Environmental Protection Agency  
1800 WaterMark Drive  
Columbus, Ohio 43215

Cindy Charles  
Director, Air Pollution Unit  
Portsmouth City Health Department  
605 Washington Street, Third Floor  
Portsmouth, Ohio 45662

On the 29 day of December 2014.



Loretta Shaffer  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 0993